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This course will review NYC’s **Local Laws 33 and 95**. It will present attendees with information regarding the interaction with benchmarking, how scores and grades are determined, and the responsibilities of building owners.
TAKEAWAYS

1. Viewers will be able to explain the relationship between energy grading and benchmarking.

2. Viewers will gain knowledge regarding how scores and grades are determined/assigned.

3. Viewers will be able to describe the process for retrieving a label and displaying the Energy Efficiency Rating Label.

4. Viewers will gain familiarity with DOB NOW with regard to the payment of fines and the submission of challenges.
WHAT IS LOCAL LAW 33/2018?

- Owners of buildings subject to benchmarking through LL84 of 2009 as amended by Local Law 133 of 2016 must obtain and display a Building Energy Efficiency Rating label.

- The label includes a 1-100 ENERGY STAR® score and corresponding letter grade that are assigned (in accordance with LL95/19) based on benchmarking data submitted annually by May 1st.

- LL33 provides greater transparency of the energy efficiency of buildings in NYC.
WHICH BUILDINGS ARE IMPACTED?

- Single buildings that exceed 25,000 sq. ft.
- Two or more buildings on the same tax lot that together exceed 100,000 sq. ft.
- Two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 sq. ft.
WHAT IS INVOLVED?

- The energy efficiency grade will be made available via the **Building Energy Efficiency Rating Label** on or before **October 1** of each year in the **DOB NOW Public Portal**

- Buildings Owners must print and display the label in a conspicuous location near each public entrance **within 30 days after October 1**

- Failure to display the label in a timely manner may result in a fine of $1,250 (**DOB violation**)
Building owners must access the **Building Energy Efficiency Rating** tab through the **DOBNOW Public Portal**; sign-in is not required.
Owners will be required to search for their property by Borough, Block and Lot.
Building owners can select the correct building by Building Identification Number (BIN) or address, then select the print icon to access the Energy Rating Label.
The building owner or their representative must complete the attestation before downloading the Building Energy Rating Label.
BUILDING ENERGY EFFICIENCY RATING

Energy efficiency grade
For current year

Energy efficiency grade scale

Building address and Borough, Block and Lot (BBL)

NYC average ENERGY STAR score

BUILDING ENERGY EFFICIENCY RATING

Building Energy Efficiency Rating

ENERGY STAR® score (1-100) for current year

Building Energy Efficiency Ratings from previous two years

Where the building falls on the scale

Description of ENERGY STAR® score

Link to more information and resources

Learn more about Building Energy Ratings. Find ways to improve. Visit nyc.gov/energystar

DOB Property Address

NYC Average: ___________ M

B / 75

B / 64

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

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NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M

NYC Average: ___________ M
LABEL GUIDELINES

- The label may be printed in color (highly recommended) or in gray scale. A printed 8½” x 11” paper label is acceptable.

- Framing/laminating the label is suggested, but not required, as long as all information included in the label is clearly visible for the entire year.

- Once printed, the label shall be displayed either externally or internally in a conspicuous location near each public entrance so it is visible to the public.
LABEL GUIDELINES

- The label shall be displayed at a vertical height no less than **four feet** and no more than **six feet** from the ground or floor.

- The label shall not be defaced, marred, camouflaged or hidden from public view.

- The label must be replaced each year with the **latest issued version** and must be displayed year-round.
RATING GRADE SCALE

- **A**: 85-100
- **B**: 70-84
- **C**: 55-69
- **D**: 0-54
- **F**: Buildings that did not submit required benchmarking information
- **N**: Buildings exempt from benchmarking or not covered by the Energy Star Program

*(N grade buildings are not subject to the posting requirement)*
EXEMPTIONS & UNIQUE SITUATIONS

Local Law 33 Energy Grading Law
EXEMPTIONS

- Multifamily buildings with less than 20 units
- Enclosed parking
- Other property types not eligible to receive a 1-100 ENERGY STAR Score
- Some mixed-use buildings
- Buildings that contain a data center, television studio, and/or trading floor that together exceed 10% of the GFA

**NOTE:** Properties with New Building or Demolition permits and no TCO in a reporting year, or properties with an ownership change in a reporting year may be eligible for a temporary exemption.
UNIQUE SITUATIONS

Multiple Buildings On A Lot

- Multiple buildings on one lot will receive 1 campus grade if the benchmarking data was submitted as:
  - a campus and the property type is eligible to receive a campus score, or
  - the same grade for each building on the lot if the data was submitted aggregated across all buildings in one report as a standalone property.
UNIQUE SITUATIONS

Multiple Buildings On A Lot

- In either scenario the assigned label will be generated for each building on the lot.
- Multiple labels can be printed for buildings with more than one public entrance.
- In some instances, posting in the management office suffices (garden type apartments where the entrances to the apartments are not considered public entrances).
HOW TO CHECK IF A BUILDING HAS AN ENERGY GRADE

A Step-by-Step Guide
BEGINNING THE SEARCH

**Step 1** – Type the address in to see if a label exists for the property.
DETERMINING IF A BUILDING HAS A LABEL

- **Step 2** – Check to see if a label needs to be displayed.
REVEALING THE GRADE

- **Step 3** – Press the **view** button to see the score and grade.
WHAT IF THE BUILDING DOESN’T HAVE A GRADE?

**Step 3** – Press the **view** button to see the score and grade.

*NOTE: If you enter an address that is not required to post you will see this message.*
HOW TO RESOLVE OR CHALLENGE A VIOLATION

Local Law 33 Energy Grading Law
HOW TO RESOLVE OR CHALLENGE A VIOLATION

- Violation for failure to display the Building Energy Efficiency Rating Label in a timely manner is a DOB violation resolved solely by payment.

- If an owner believes that the violation was issued in error, they may challenge it. The challenge must be made via DOB NOW within 30 days of the Notice of Violation issuance.
RESOLVING A VIOLATION

LOCAL LAW 33
VIOLATION PAYMENT PROCESS
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

- Begin by logging into DOB NOW at [www.nyc.gov/dobnow](http://www.nyc.gov/dobnow). Enter your eFiling account email address and password.

- If you need to create an eFiling account, go to [www.nyc.gov/efilingtips](http://www.nyc.gov/efilingtips) for instructions.
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

- Hover over DOB NOW: Safety and select Violations.
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

- Energy Grade Violation Payments may be seen in the Energy Grade Violations tab.

- Click + Energy Grade Violations Payment to make a payment.
RESOLVING A VIOLATION

In the General Information tab, search for the violation by:

- Violation Number; or
- Address; or
- BIN; or
- Borough, Block and Lot

Enter your search criteria and click Search.
A pop-up window will appear with the search results. Click the radio button next to the violation you are paying and then click **Add**.

### Search Results for Energy Grade Violation Payment

<table>
<thead>
<tr>
<th>Associated Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation Number</td>
</tr>
<tr>
<td>010121EGRADE2000002</td>
</tr>
</tbody>
</table>

[Add] [Cancel]
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

The Violation Information and the Location will auto populate in the tab.
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

- Either the Owner or an Owner’s Representative can be the Respondent.
- The Respondent information will be auto populated based on the login of the user.
- Use the drop-down option to select your role. If you are an Owner’s Representative, you must enter your Relationship to the Owner.
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

- A Secondary Contact may be added if desired.

<table>
<thead>
<tr>
<th>Secondary Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email</td>
</tr>
<tr>
<td>Name</td>
</tr>
</tbody>
</table>

- You must save the Transaction before moving to the next tab. A pop-up Notification will appear to remind you of the process.

Notification

You have selected 010121EGRAD52000002. The violation number cannot be changed after you click Save. Select Save to proceed or select Cancel to return to select a different violation number.

<table>
<thead>
<tr>
<th>Save</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceed to Pay</td>
</tr>
</tbody>
</table>
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

- The Respondent must click the checkbox on the Statements and Signature tab to Attest.

Statements & Signature

<table>
<thead>
<tr>
<th>Respondent's Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have reviewed the information provided in this application and hereby attest that, to the best of my knowledge and belief, all such information is true and accurate. I further attest that all attachments submitted with this application are copies of the original documents.</td>
</tr>
<tr>
<td>I understand that falsification of any statement or record submitted to the Department is a misdemeanor and is punishable by a fine or imprisonment, or both. I understand that it is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. I further understand that such actions are punishable by imprisonment, fine and/or suspension or revocation of license, registration, and/or qualification.</td>
</tr>
</tbody>
</table>

I understand and agree that by personally clicking on the box at left I am electronically signing this document and expressing my agreement with the statements above. I understand that this electronic signature shall have the same validity and effect as a signature affixed by hand.

Name: __________________________ Date: __________________________
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

- Click Proceed to Pay.

- A pop-up will appear with payment details. Click Yes to continue.

- You will be brought to the CityPay site.
- The payment amount is $1,250 and may be paid by credit card or by eCheck.
- There is a 2% ($25) processing fee for credit card payments.
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

- Once payment is complete, you will receive an electronic receipt that can be printed for your records.
- A pop-up will appear confirming your payment.

Receipt for: Energy Grade Violation Payment: 110319BENCH00071-EGRADE-01

Premises: ROCKWELL PLACE, BROOKLYN

SN: 3059170  Block: 2107  Lot: 2

Request number #: 110319BENCH00071-EGRADE-01

Receipt Details

Invoice Number: 100070231  Receipt Number: CPV100231347

Date Issued: 4/7/2021 10:31:15 AM  Amount Paid: $1,275.00

Print

Notification

Payment has been processed.

OK
RESOLVING A VIOLATION

DOB NOW: Safety – LL33 PAYMENT PROCESS

- Payments made by **credit card** will be processed immediately and the Violation Payment Status will be updated to **Violation Dismissed**.
- Payments made by **eCheck** will take up to 10 days to be processed. Once the eCheck has been processed, the Violation Payment Status will be updated to **Violation Dismissed**.

General Information

<table>
<thead>
<tr>
<th>Violation Information</th>
<th>BIN</th>
<th>ISN #</th>
<th>Transaction Status</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation Number: 010121EGRACE20000003</td>
<td>181380</td>
<td>2460083</td>
<td>Violation Dismissed</td>
<td>Failure to Display Energy Efficiency Score and Energy Efficiency Grade as per AD Code Sec. 28-309.12.3</td>
</tr>
<tr>
<td>Violation Issued Date: 01/01/2021</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation Type: EGRADE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Associated Violation

<table>
<thead>
<tr>
<th>Violation Number</th>
<th>Violation Fee</th>
<th>Violation Payment Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>010121EGRACE20000003</td>
<td>$0.00</td>
<td>Violation Dismissed</td>
</tr>
</tbody>
</table>
CHALLENGING A VIOLATION

DOB NOW: Safety – LL33 CHALLENGE PROCESS

Title 1 of the Rules of the City of New York Section 103-06:

(m) Challenge to violations.

(2) An owner may challenge a violation for failure to post issued pursuant to paragraph (2) of subdivision (l) of this section. Proof in support of such challenge may include, but not be limited to, photographic proof of timely posting of the energy efficiency grade and the energy efficiency score, as directed in section 28-309.12.3 of the Administrative Code.

(3) Such challenge must be made in writing to the Department within thirty (30) days from the postmark date of the violation served by the Department.
CHALLENGING A VIOLATION

- Select the Energy Grade Violation Challenge Requests tab to view existing Challenges.
CHALLENGING A VIOLATION

DOB NOW: Safety – LL33 CHALLENGE PROCESS

- To start a new challenge, click + Energy Grade Violation Challenge.

NYC Department of Buildings
Violation Payments, Civil Penalty Waiver Requests and Stop Work Order Rescission Requests

- You will be brought directly into the Challenge Request. First, search for your violation by Violation Number, Address, BIN, or BBL.

General Information

Violation Search
Search by
Violation Number
Address
BIN
BBL

Violation Number
e.g. 08015175EVCA7120065

Search
Search results will appear in a pop-up window. Select the appropriate violation using the radio button. Another pop-up will appear reminding you of timing requirements. Click OK. Then click +Add.
CHALLENGING A VIOLATION

DOB NOW: Safety – LL33 CHALLENGE PROCESS

- In the Violation Challenge Information section, click the drop-down to select your Challenge Reason.
  - Label Printing Issue
  - Property Exempt
  - Label Temporarily Removed
  - Label Posted (Violation Incorrect)
CHALLENGING A VIOLATION

DOB NOW: Safety – LL33 CHALLENGE PROCESS

- Location Information will be auto-filled from the details of the Violation.

<table>
<thead>
<tr>
<th>Location</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>House Number</td>
<td>35</td>
</tr>
<tr>
<td>Block</td>
<td>25</td>
</tr>
<tr>
<td>Street Name</td>
<td>BROAD STREET</td>
</tr>
<tr>
<td>Lot</td>
<td>10</td>
</tr>
<tr>
<td>Borough</td>
<td>Manhattan</td>
</tr>
<tr>
<td>BIN</td>
<td>1000823</td>
</tr>
</tbody>
</table>

- The user who started the process will be automatically added to the Respondent section. The Respondent must be either the Owner or the Owner’s Representative.

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondent</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:AUDETEST@GMAIL.COM">AUDETEST@GMAIL.COM</a></td>
</tr>
<tr>
<td>Business Address</td>
<td>IA LLC</td>
</tr>
<tr>
<td>Zip Code</td>
<td>07302</td>
</tr>
<tr>
<td>First Name</td>
<td>JOE</td>
</tr>
<tr>
<td>City</td>
<td>JERSEY CITY</td>
</tr>
<tr>
<td>Business Telephone</td>
<td>5435688622</td>
</tr>
<tr>
<td>Last Name</td>
<td>ADAM</td>
</tr>
<tr>
<td>State</td>
<td>NJ</td>
</tr>
<tr>
<td>Mobile Telephone</td>
<td>2128745874</td>
</tr>
</tbody>
</table>
CHALLENGING A VIOLATION

DOB NOW: Safety – LL33 CHALLENGE PROCESS

- Select the correct option in Owner Type drop-down. If Owner's Representative is selected, the Relationship to Owner must be filled out.

- A Secondary Contact may be added if desired.
CHALLENGING A VIOLATION

DOB NOW: Safety – LL33 CHALLENGE PROCESS

- In the Documents tab, the system will show the required documents for the Challenge Reason selected.
  Click on **Add Document** to see what can be uploaded.

- Click on the **Document Type** drop-down menu to see what documents are required. Give the document a name and navigate to the document on your computer in order to upload it.
- More than one document may be uploaded for each Document Type.
# CHALLENGING A VIOLATION

## DOB NOW: Safety – LL33 CHALLENGE PROCESS

<table>
<thead>
<tr>
<th>Challenge Reason</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Label Printing Issue</td>
<td>• Proof of Technical Issue <em>(Required)</em></td>
</tr>
<tr>
<td></td>
<td>• Other Supporting Documentation <em>(Optional)</em></td>
</tr>
<tr>
<td>Property Exempt</td>
<td>• DOB Confirmation of Exemption <em>(1 of 2 Required)</em></td>
</tr>
<tr>
<td></td>
<td>• DOF Confirmation of Exemption <em>(1 of 2 Required)</em></td>
</tr>
<tr>
<td></td>
<td>• Other Supporting Documentation <em>(Optional)</em></td>
</tr>
<tr>
<td>Label Temporarily Removed</td>
<td>• Photos – Posted Label <em>(Required)</em></td>
</tr>
<tr>
<td></td>
<td>• Reason for Removal <em>(Required)</em></td>
</tr>
<tr>
<td></td>
<td>• Other Supporting Documentation <em>(Optional)</em></td>
</tr>
<tr>
<td>Label Posted (Violation Incorrect)</td>
<td>• Photos – Posted Label <em>(Required)</em></td>
</tr>
<tr>
<td></td>
<td>• Description of Entrance(s) Location <em>(Required)</em></td>
</tr>
<tr>
<td></td>
<td>• Other Supporting Documentation <em>(Optional)</em></td>
</tr>
</tbody>
</table>
CHALLENGING A VIOLATION

DOB NOW: Safety – LL33 CHALLENGE PROCESS

Statements & Signature

Respondent’s Statement*

As a condition of being granted a license, registration and/or qualification from the New York City Department of Buildings, I attest that I will comply with all applicable provisions of the New York City Administrative Code and Department rules, regulations, and directives governing how licensees, registrants, and qualification holders conduct their specific trade.

I understand that falsification of any statement or record submitted to the Department is a misdemeanor and is punishable by a fine or imprisonment, or both. I understand that it is unlawful to give to a city employee or for a city employee to accept any benefit, monetary or otherwise, other than a gratuity for properly performing the job or in exchange for special consideration. I further understand that such actions are punishable by imprisonment, fine and/or suspension or revocation of license, registration, and/or qualification.

I understand that, pursuant to §§ 28-401.19 and 28-401.20 of the NYC Administrative Code, my failure to cooperate fully and completely with respect to any governmental investigation may result in disciplinary measures authorized by law, including but not limited to suspension or revocation of any license, registration, or certificate of competence issued by the Department.

I have reviewed the information provided in this application and hereby attest that, to the best of my knowledge and belief, all such information is true and accurate. I further attest that all attachments submitted with this application are copies of the original documents.

☐ I understand and agree that by personally clicking on the box at left I am electronically signing this document and expressing my agreement with the certification statements above. I understand that this electronic signature shall have the same validity and effect as a signature affixed by hand.

Name: 

Date: 

- The Respondent must attest to their Challenge in the Statements and Signature tab.
- The Challenge can now be Submitted.
CHALLENGING A VIOLATION

DOB NOW: Safety – LL33 CHALLENGE PROCESS

- Click Submit to submit your challenge.

- If there is missing information, you will be notified via a pop-up message.

- You will also see a red exclamation point on the tab(s) where action is needed.
- Make your changes and then press Submit again.
CHALLENGING A VIOLATION

DOB NOW: *Safety – LL33 CHALLENGE PROCESS*

- You will receive an email with the result of your LL33 Challenge.
- You can also see the result of your Challenge on the Energy Grade Violation Challenge Requests dashboard in the Request Status column.

<table>
<thead>
<tr>
<th>Actions</th>
<th>Tracking Number</th>
<th>Violation Number</th>
<th>Request Status</th>
<th>Address</th>
<th>Borough</th>
<th>Respondent</th>
<th>Created Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔️</td>
<td>EGV-CR-0000011054</td>
<td>021121E</td>
<td>GRADE</td>
<td>02000</td>
<td>Accepted</td>
<td>111 TESTING AVENUE</td>
<td>MANHATTAN</td>
</tr>
<tr>
<td>✔️</td>
<td>EGV-CR-0000011053</td>
<td>021121E</td>
<td>GRADE</td>
<td>02000</td>
<td>LL33 QA Review</td>
<td>27 BISTEST STREET</td>
<td>MANHATTAN</td>
</tr>
<tr>
<td>✔️</td>
<td>EGV-CR-0000011052</td>
<td>021121E</td>
<td>GRADE</td>
<td>02000</td>
<td>Denied</td>
<td>111 TESTING AVENUE</td>
<td>MANHATTAN</td>
</tr>
</tbody>
</table>
CHALLENGING A VIOLATION

DOB NOW: Safety – LL33 CHALLENGE PROCESS

<table>
<thead>
<tr>
<th>Premises: 1 HISTEST STREET MANHATTAN</th>
<th>BIN: 1113381 Block: 1 Lot: 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue Date: 01/01/2021</td>
<td>Violation Category: V - DOB VIOLATION - DISMISSED</td>
</tr>
<tr>
<td>Violation Type: EGRADE - FAILURE TO POST ENERGY GRADE/SCORE</td>
<td></td>
</tr>
<tr>
<td>Violation Number: 2000004</td>
<td>Device No.:</td>
</tr>
<tr>
<td>OATH/ECB No.:</td>
<td></td>
</tr>
<tr>
<td>Infraction Codes:</td>
<td></td>
</tr>
<tr>
<td>Description: FAILURE TO DISPLAY ENERGY EFFICIENCY SCORE AND ENERGY EFFICIENCY GRADE AS PER AD CODE SEC. 28-309.12.3</td>
<td></td>
</tr>
<tr>
<td>Disposition:</td>
<td></td>
</tr>
<tr>
<td>Code: D - DISMISSED Date: 04/20/2021 Inspector:</td>
<td></td>
</tr>
<tr>
<td>Comments: CIANOW CRM Violation Dismissed</td>
<td></td>
</tr>
</tbody>
</table>

- The violation will be dismissed in BIS if your challenge request is accepted.
RESOURCES

For the latest information on the NYC Benchmarking Law, Local Law 33 of 2018, DOB Rule:

- **DOB's benchmarking page**
- **Local Law 33 as amended by LL95 of 2019 Steps to Compliance**
- **LL33 - Frequently Asked Questions**
CONTACT DOB

Contact DOB’s Sustainability Enforcement Unit:

- **Email:** sustainability@buildings.nyc.gov
- **Phone:** (212) 393-2574